



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
BUD & ELSIE'S #8, L.L.C.)	
3112 Oakland)	Request ID No. 630663
Kalamazoo, Michigan 49008)	
)	
Kalamazoo County)	
_____)	

At the November 13, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On December 22, 2011, Bud & Elsie's #8, L.L.C. (applicant) filed a request to transfer ownership of 2012 SDD and SDM licenses with Sunday Sales Permit (A.M.), Sunday Sales Permit (P.M.) and Beer & Wine Sampling Permit, to be located at the above-noted location.

At a meeting held on September 26, 2012, the Commission denied this request under administrative rule R 436.1105(1)(b) and administrative rule R 436.1119(1) as the applicant did not provide evidence of the existence of adequate, legitimate and verifiable financial resources for this transaction and did not provided an adequate purchase agreement that meets MLCC requirements.

Owen Ramey, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the November 13, 2012 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and Exhibits presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently

demonstrated through updated documents that the previous questions concerning this application have been satisfactorily addressed.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(f)(j), the licensee may sell beer, wine, spirits and mixed spirit drink for consumption off the premises only.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of September 26, 2012 issued in this matter is reversed, and the applicant's request to transfer ownership of 2012 SDD and SDM licenses with Sunday Sales Permit (A.M.) and Sunday Sales Permit (P.M.) is APPROVED, subject to the following:

1. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
2. The licensee shall submit proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject licenses and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The applicant's request to transfer ownership of the existing Annual Beer and Wine Tasting Permit is APPROVED, subject to the following provisions:

1. No charges for the tasting of the beer and wine are allowed under MCL 436.1537(5)(a).
2. The tasting samples provided to a customer must not exceed 3 servings at up to 3 ounces per serving of beer, or 3 servings at up to 2 ounces of wine under MCL 436.1537(5)(b).
3. A customer must not be provided with more than a total of 3 samples of beer or wine within a 24-hour period per licensed premises under MCL 436.1537(5)(b).
4. The Commission must be notified, in writing, a minimum of 10 working days prior to the event, regarding the date, time, and location of the event MCL 436.1537(5)(d).
5. Under MLCA 1537(6), during the time the permitted beer or wine tasting is conducted, the applicant-permit holder, or its agent or employee who has successfully completed a server training program as provided for in MCL 436.1906, shall devote full time to the beer and wine tasting activity and shall perform no other duties including the sale of alcoholic liquor for consumption off the licensed premises.
6. Beer and wine used for the permitted tasting must come from the specially designated merchant's (SDM's) inventory under MLCA 1537(6), and all open bottles must be removed from the premises on the same business day or resealed and stored in a locked, separate storage compartment on the licensed premises when not being used for the activities allowed by the Permit.
7. The Permit holder must prohibit a wholesaler from conducting or participating in the beer and wine tastings under MCL 436.1537(7).
8. A permitted beer and wine tasting must be conducted during the legal hours for sale of alcoholic liquor by the licensee under MCL 436.1537(8).

C. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as

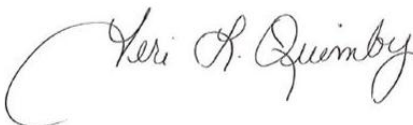
determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of these licenses and permits by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before serving or selling alcoholic liquor.

D. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner



Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)	
JAI MA, INC.)	
10418 Shaver)	Request ID No. 421317
Portage, Michigan 49002)	
)	
Kalamazoo County)	
_____)	

At the November 13, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On May 30, 2007, Jai Maa, Inc. (applicant) filed a request for a new Resort SDD license with Sunday Sales permit (P.M.) to be held in conjunction with an existing 2012 SDM license with Sunday Sales Permit (A.M.), at the above-noted location. On January 17, 2012 the request was amended to request a new SDD license.

At a meeting held on October 10, 2012, the Commission denied the subject request under administrative rule R 436.1133 because there is one (1) existing SDD licensee located within 2,640 feet of the proposed location (Bud & Elsie's #4, LLC) and the applicant does not qualify for a waiver under administrative rule R 436.1133 relative to the existing licensee.

John Doyle, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the November 13, 2012 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and discussion of the issue on the record, the Commission finds that further information on the issues for denial were received at this hearing without time for proper review and evaluation by the MLCC.

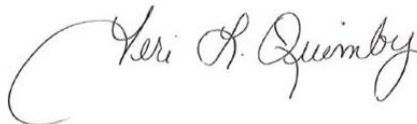
The Commission finds that the denial order issued in this matter should be set aside for the purpose of referring this application back to the Commission's Licensing and Enforcement Divisions for further processing based on the information provided at the hearing.

The Commission further finds that this order to set aside the previous order is not intended to approve the applicant's request in anyway, but rather to continue the review and evaluation of the applicant's information prior to any further consideration by the Commission.

THEREFORE, IT IS ORDERED that the denial order of October 10, 2012 issued in this matter is SET ASIDE for the purposes stated above, and the application is referred back to the Commission's Licensing and Enforcement Divisions for the purposes stated above.



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner



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Prepared by:
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Date Mailed: _____